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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,354	03/23/2004	Gregg R. Espenshade	061270-0917	3968

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/806,354	ESPENSHADE, GREGG R.	
	Examiner	Art Unit	
	Hau V. Phan	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/8/2005</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 12/27/2005 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/27/2005 has been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6, 8-11 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (4,953,887).**

Takahashi et al. in figures 1 and 9-10, disclose a stroller comprising a stroller frame, a basket frame (81) including a pair of arms mounted to the stroller frame and a rear cross member extending between the pair of arms. Takahashi et al. also disclose a latch mount (as shown in figure 1) coupled to the rear cross member, a basket (82) mounted to move relative to the basket frame (a bottom of the basket can be pivot relative to the basket frame in folding position) and a latch (16) coupled to the basket to

releasably engage the latch mount, thereby allowing the basket to move between a closed position and an open position relative to the basket frame.

Regarding claim 2, Takahashi et al. disclose the basket including an upper rim mounted to pivot relative to the basket frame, and the latch is coupled to the upper rim of the basket.

Regarding claim 3, Takahashi et al. disclose the basket further including an enclosure coupled to the upper rim.

Regarding claim 4, Takahashi et al. disclose the latch including at least one flange configured to be coupled to the upper rim of the basket.

Regarding claim 5, Takahashi et al. disclose the stroller frame including a handle assembly having a pair of push arms, and each arm of the basket frame is pivotally coupled to a respective push arm of the handle assembly.

Regarding claim 6, Takahashi et al. disclose the stroller frame including a pivot extending between each arm of the basket frame and each respective push arm.

Regarding claim 8, Takahashi et al. disclose the latch including a resilient spring member to releasably engage the latch mount.

Regarding claim 9, Takahashi et al. disclose the latch that is generally U-shaped and includes a plate opposite the resilient spring member.

Regarding claim 10, Takahashi et al. disclose the latch mount including a pocket having an upwardly facing shoulder, and the latch includes resilient spring member adapted to releasably engage the shoulder.

Regarding claim 11, Takahashi et al. disclose the latch mount including a channel, and the rear cross member of the basket frame extends through the channel.

5. Claims 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (4,953,887).

Takahashi et al. in figures 3-5, disclose a stroller comprising a stroller frame, a basket frame (71) mounted to the stroller frame and a basket (72). The basket is move between close position (figure 5) and an open position relative to the basket frame (figure 4). Wherein, when the basket is moved to the open position, the basket moves downward from the basket frame and forward relative to rear of the basket frame and wherein, when the basket is in the open, access to an interior of the basket is provided between the basket and the basket frame.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Turner et al. (2002/0109321).

Turner et al. in figure 1, disclose a stroller comprising a stroller frame, a basket frame mounted to the stroller frame and a basket (40) including a large storage cavity (70) and a smaller expandable cavity (72). The basket is move between close position and an open position relative to the basket frame. Wherein, when the basket is moved

to the open position, the basket moves downward from the basket frame and forward relative to rear of the basket frame and wherein, when the basket is in the open, access to an interior of the basket is provided between the basket and the basket frame.

Allowable Subject Matter

7. Claims 7 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 12/27/2005 have been fully considered but they are not persuasive. In response to applicant's remark that Takahashi et al. show structures that are mounted to a rear basket (8), below the rear cross member and the hook (16) of Takahashi et al. do not engage any structure on the frame bar (81). The examiner disagrees, because the claims recite "a latch mounted coupled to the rear cross member" the term "couple" is some thin that joins or links two things together. Therefore, Takahashi et al. disclose a latch mount (not number), which is attached to a rear basket, but joins the rear basket to the rear cross member. The latch (16) also includes a side member on both sides of the latch that will be engaged protruding members from the rear basket of the latch mount.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
Primary Examiner
Art Unit 3618

Hau Phan
1/22/06